

MHNS190004332026

Order below Exh. 1 in Cri. M.A. No. 92/2026(Chetan Vs. State)

- 1) Chetan Sayaji Gaykar has filed this application under section 503 of BNSS for seeking custody of **vehicle TATA light weight vehicle bearing registration no. MH.15-DK-2147** (herein after referred as vehicle) seized by City Police in Crime No. **53/2026** for the offences punishable under Section 5(a), 5(b), 9 of Maharashtra Animal Preservation Act 1976.
- 2) Learned A.P.P. and I.O. have resisted the application.
- 3) The applicant has produced copy of agreement of purchase of vehicle and R.C. book of original owner from whom he purchased (Exh.3/1), Adhar card copy on record. It shows that the applicant is owner of the said vehicle.
- 4) It is also not in dispute that the vehicle is seized in the crime registered under section 5(a), 5(b), 9 of Maharashtra Animal Preservation Act 1976. As per Rule 5(1) of The Prevention Of Cruelty To Animals (Care And Maintenance Of Case Property Animals) Rules 2017, the Magistrate is empowered to determine sufficient amount to cover reasonable costs incurred and anticipated for transport and maintenance and treatment of the seized animals. The Magistrate is empowered to direct the owner to execute bond of the determined value with sureties. As per rule 4(2) of The Prevention Of Cruelty To Animals (Care and Maintenance Of Case Property Animals) Rules 2017, Magistrate shall use the rates specified by

the State Board as the minimum specified rates for transport, maintenance and treatment of seized cattle.

5) The Secretary of the Animal Welfare Board of India issued notification dated 03/05/2018, by which it is directed that every State Board to specify the costs of maintenance care and transport within 3 months of commencement of those rules. It was also notified that till the rates are fixed by the state, to follow rates mentioned in the said notification issued by the Secretary of the Animal Welfare Board of India. As per said direction, Maharashtra state board has not issued rules or those are not placed on record by the applicant. Hence, the notification issued by the Secretary of the Animal Welfare Board of India dated 03/05/2018 needs to be followed and those rates are as under:-

Class of animal	Purpose	Suggested minimum rates
Cow and Cattle	Health examination identification colour and photography ear tagging	Rs. 200/- per animal
	Transport	Rs.20/- per km
	Daily maintenance and care for large animals	Rs. 200/- per day per animal
	Daily maintenance and care for small animals	Rs. 125/- per day per animal.

6) In this crime there are 1 cow and 2 bullocks are seized. In view of above notification it is necessary to calculate total amount of expenses relating to maintenance and health inspection of the seized cattle it is as under ;

Purpose	Suggested minimum rates	Calculation
Health examination	Rs. 200/- per animal	Rs.200x3=600/-

identification colour and photography ear tagging		
Transport	Rs.20/- per km	Rs.20x10km=200/-
Daily maintenance and care for large animals	Rs. 200/- per day per animal	3x49 days (i.e. from 02/03/26 till 20/04/2026) x 200=29,400/-
Total amount		30,200/-

7) The seized cattle is in Shri Gaushala Panjarpol, Yeola since 02.03.2026. The said sanstha is entitled to the costs of maintenance. In view of Rule 5(1) and 5(5) of the Rules, 2017, accused, owner and vehicle owner are jointly and severally liable for the costs of transport, treatment and care of the animal. Vehicle owner/ accused (Chetan Sayaji Gaykar) along with accused Chimya Deshmukh and Sonu are liable to pay Rs.30,200/- to Shri Gaushala Panjarpol, Yeola and are also liable to pay the amount or Rs. 200/- per day, per large animal till conclusion of the trial to Shri Gaushala Panjarpol, Yeola.

8) Before dealing with the entitlement of interim custody of seized vehicle, it would be appropriate to see the legal provision. As per Section 5(4) of the Prevention of Cruelty to Animals (care and maintenance of case property animals) Rules, 2017, it is necessary to direct the vehicle, which has been involved in an offence, to be held as a security for the purpose of costs and maintenance of the animal. As per plain language, the provision is mandatory. However, holding vehicle as security does not necessarily means to be kept in physical custody. The security can be created even if it is in possession of other person.

9) The applicant is claiming the interim custody of seized vehicle. He has filed on record agreement of said vehicle. Documents on record shows that applicant is owner of the seized vehicle. The objection raised by intervener can be cured by imposing certain conditions while handing over the interim custody to the applicant. It will not be appropriate to keep the seized vehicle at police station in view of Judgment on Hon'ble Supreme Court in **Sunderbhai Ambalal Desai Vs. State of Gujarat**, SLP 2745/2022, decided on 01/10/2022. If the interim custody of the vehicle is handed over to the applicant on certain conditions and on supurtnama bond then the same can be seized at any point of time. Hon'ble Bombay High Court in the case of **Sattar Nisar Kureshi Vs. State of Maharashtra** in Criminal Writ Petition No. 936 of 2018 decided on 30/08/2018 has held that "Even if it is assumed for a while that it was used earlier for transporting the bullocks for being slaughtered, there is no provision in the Act for confiscation of such vehicle." Therefore, applicant being the owner of the seized vehicle is entitled for the interim custody of the seized vehicle in question subject to certain conditions including the condition of Rule 5 (4) of the Rules, 2017. Hence order,

ORDER

1) The interim custody of seized **vehicle TATA light weight vehicle bearing registration no. MH.15-DK-2147** be handed over to applicant Chetan Sayaji Gaykar on execution of supurtnama bond of Rs. 10,00,000/-(in words Rs. Ten lacs only) on following conditions;

i) The applicant shall produce said vehicle as and when required by the appropriate authority or by the Court.

ii) The applicant shall not transfer said vehicle by way of sale, exchange, gift etc. to any other person till the final disposal of the case arising out of Crime No. 53/2026 registered with City Police Station.

iii) The applicant is also directed not to change the nature of the vehicle till final disposal of the above said case.

iv) The applicant is further directed not to use said vehicle in any kind of offence.

2) The investigating officer shall conduct detailed panchnama and take four Coloured photographs of the seized vehicle at the costs of applicant and obtain his signature thereon, before releasing the same and he shall file the same in the concerned case.

3) Seized cattle are presently in custody of Shri Gaushala Panjarpol Yeola since 02.03.2026. In view of Rule 5(1) and 5(5) of the Rules, 2017, accused, owner and vehicle owner are jointly and severally liable for the costs of transport, treatment and care of the animal. Vehicle owner/ accused (Chetan Sayaji Gaykar) along with accused Chimya Deshmukh and Sonu are liable to pay Rs.30,200/- towards maintenance and health inspection of seized 3 cattle of this order. This amount of maintenance is for the period from date of custody i.e. 02.03.2026 till today i.e. 20.04.2026. and they shall continue to pay in future the amount of Rs.200/-per day per large animal till final conclusion of the trial. He is also hereby directed that he shall execute the bond to that effect with solvent surety of Rs.15,000/- within three days from the date of this order.

4) In case of failure to pay the amount of Rs. 30,200/- as directed above, the said amount be recovered as the arrears of land revenue vide Rule 5(8) of the Rules, 2017.

5) The amount if any paid by the owner to Shri Gaushala Panjarpol Yeola earlier, it is to be deducted from the total amount.

6) In case accused/owner of vehicle failed to execute the bond under Rule 5 (1) of the Rules, 2017 as directed by this Court, the vehicle bearing No. **MH.15-DK-2147** shall be held as a security in view of Rule 5 (4) of the Rules, 2017.

Date :20-04-2026

(**S.M.Bohara**)
Judicial Magistrate, F.C.
Yeola